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OFFICE OF PETITIONS

In re Application of
Matsubara, et al. :
Application No. 10/603,624 :
Filed: June 26, 2003 :
Attorney Docket No. KAS-185 :
: DECISION ON PETITION

This is a decision on the "PETITION IN RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION", filed August 12, 2004, which is being treated as a petition under 37 C.F.R. § 1.53 to accord the above-identified application a filing date of June 26, 2003, with page 15 of the specification as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on June 26, 2003. However, on June 28, 2004, the Initial Patent Examination Division mailed applicants a "Notice of Omitted Item(s) in a NonProvisional Application." Applicants were notified that the application papers had been accorded a filing date of June 26, 2003; however, page 15 of the specification appeared to have been omitted.

In response, applicants filed the instant petition. Accompanying the petition was a copy of page 15 of the specification. Applicants maintain that the application as originally filed included page 15. In support thereof, applicants submitted a receipt identifying this application, itemizing "Specification (15 pp.)" as enclosed, bearing a United States Patent and Trademark Office date-stamp of June 26, 2003, and lacking any notation of non-receipt of any item listed.

A receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

Given the basis for granting the petition, no petition fee was required, and none has been charged.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of June 26, 2003, using the application papers received in the Office on that date and page 15 of the specification as resupplied on petition filed August 12, 2004.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions